

Military Equipment

706.1 PURPOSE AND SCOPE

The purpose of this policy ("Policy") is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (pursuant to Assembly Bill 481 ("AB 481")).

706.1.1 DEFINITIONS

Definitions related to this Policy include those provided in Government Code § 7070, and as follows:

Governing body – City of Upland City Council ("City Council").

Military equipment – Includes but is not limited to the following:

- **Category 1:** Unmanned, remotely piloted, powered aerial or ground vehicles.
- **Category 2:** Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- **Category 3:** High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- **Category 4:** Tracked armored vehicles that provide ballistic protection to their occupants.
- **Category 5:** Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- **Category 6:** Weaponized aircraft, vessels, or vehicles of any kind.
- **Category 7:** Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- **Category 8:** Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- **Category 9:** Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code §section 30510 and Penal Code §section 30515, with the exception of standard-issue firearms.
- **Category 10:** Any firearm or firearm accessory that is designed to launch explosive projectiles.
- **Category 11:** Noise-flash diversionary devices and explosive breaching tools.
- **Category 12:** Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- **Category 13:** TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- **Category 14:** Kinetic energy weapons and munitions.

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- **Category 15:** Any other equipment as determined by a governing body or a state agency to require additional oversight.

706.2 POLICY

It is the Policy of the City of Upland that members of this Police Department ("Department") comply with the provisions of AB 481 with respect to the funding, acquisition and use of military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police designates the Tactical Response Team Commander to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the City Council for matters related to the requirements of this Policy.
- (b) Identifying Department equipment that qualifies as military equipment in the current possession of the Department, or the military equipment the Department intends to acquire.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of the Department.
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the Departments's funding, acquisition, and use of military equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and insuring that the report is made available on the Department's website.
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

The list of qualifying equipment for the Department is attached to this Policy as Exhibit "A" and is incorporated into the Policy by this reference.

706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the City Council by way of an ordinance adopting this Policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure this Policy is submitted to the City Council and is available on

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the Department's website at least 30 days prior to any public hearing concerning the Policy.. The Policy must be approved by the City Council prior to engaging in any of the following :

- (a) Requesting military equipment made available pursuant to 10 USC § 2576(a).
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the Department's jurisdiction.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not approved by this Policy.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

706.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this Policy. Military equipment used by other jurisdictions that are providing mutual aid to the Department shall comply with their respective military use policies in rendering mutual aid.

706.7 ANNUAL REPORT

Upon approval of this Policy, the Chief of Police or the authorized designee should submit a military equipment report to the City Council for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use.

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the Department's website for as long as the military equipment is available for use. The report shall include all information required by Government Code §section 7072 for the preceding calendar year for each type of military equipment in Department inventory. "Type" of military equipment is defined to mean each item that shares the same manufacturer model number.

706.8 COMMUNITY ENGAGEMENT

Within thirty 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

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706.9 EXHIBIT "A" MILITARY EQUIPMENT INVENTORY LIST

[See attachment: Military equipment list DRAFT \(002\).pdf](#)

Attachments

Military equipment list DRAFT (002).pdf

Upland Police Department – Military Equipment List

1. Specialized firearms and ammunition (Category 10)

a. Quantity, description, capabilities, and purchase cost:

56 (fifty-six) Colt AR-15 patrol rifles capable of accurately engaging an armed subject at various distances. The Patrol rifle is a lightweight, gas operated, air cooled, magazine fed, shoulder fired weapon designed for semi-automatic fire. The patrol rifle does not have a service life expectancy and will need to be serviced or replaced when the rifle fails or breaks. The 5.56mm NATO cartridge is capable of penetrating soft body armor worn by armed subjects. COST: \$927.76

- Authorized Use: Only members that are POST certified Peace Officers, and have completed the POST Firearms/Tactical Rifle Course.

15 (fifteen) MP5 sub-machine guns. The MP5 sub-machine gun is capable of accurately engaging an armed subject at various distances. The MP5 is a lightweight, gas operated, air cooled, magazine fed, shoulder fired weapon designed for semi-automatic and automatic fire. The MP5 does not have a service life expectancy and will need to be serviced or replaced when the rifle fails or breaks. The 9 mm NATO cartridge is capable of limited penetration against soft body armor worn by armed subjects. COST: Unknown cost. These weapons were acquired over 10 years ago.

- Authorized Use: Only members that are POST certified Peace Officers, and members of the SWAT Team that have completed the POST SWAT Academy Firearms Course. MP5's may be deployed with the approval of the SWAT commander. These firearms are currently in storage and are considered surplus at this time. The Department will be exploring options for removing these weapons from its inventory.

2 (two) Heckler and Koch HK416 rifles. *The HK416's possessed by the Upland Police department are NOT currently in service (storage).* The HK416 is capable of accurately engaging an armed subject at various distances. The HK416 rifle is a lightweight, gas operated, air cooled, magazine fed, shoulder fired weapon designed for semi-automatic and automatic fire. The patrol rifle does not have a service life expectancy and will need to be serviced or replaced when the rifle fails or breaks. The 5.56mm NATO cartridge is capable of penetrating soft body armor worn by armed subjects. COST: Unknown cost. These weapons were acquired over 10 years ago.

- Authorized Use: Only members that are POST certified Peace Officers, and members of the SWAT Team that have completed a POST SWAT Academy/Firearms Training. These firearms are currently in storage and are only deployed at the direction of the SWAT Commander.

16 (sixteen) Geissele 5.56mm rifle is capable of accurately engaging an armed subject at various distances. The Patrol rifle is a lightweight, gas operated, air cooled, magazine fed, shoulder fired weapon designed for semi-automatic and automatic fire. The Geissele rifle does not have a service life expectancy and will need to be serviced or replaced when the rifle fails or breaks. The 5.56mm NATO cartridge is capable of penetrating soft body armor worn by armed subjects. COST: \$2,068.62 per rifle.

- Authorized Use: Only members that are POST certified Peace Officers, and are members of the SWAT Team that have completed POST SWAT Academy/Firearms Training. Members meeting the above qualifications are also authorized to carry these weapons in a patrol capacity.

12 (twelve) M16A1 service rifles. *The M16A1 service rifles possessed by the Upland Police department are NOT currently in service (storage).* The M16A1 service rifle is capable of accurately engaging an armed subject at various distances. The M16A1 service rifle is a lightweight, gas operated, air cooled, magazine fed, shoulder fired weapon designed for semi-automatic and automatic fire. The M16A1 service rifle does not have a service life expectancy and will need to be serviced or replaced when the rifle fails or breaks. The 5.56mm NATO cartridge is capable of penetrating soft body armor worn by armed subjects. COST: \$0. These firearms were granted from the U.S. Military. The firearms are currently in storage and pending return or legal disposition.

2. Tear Gas (Category 12)

a. Quantity, Description, Capabilities, and Purchase Cost:

Description: Various Quantities of Chemical agent munitions, which are commonly referred to as “tear gas,” are used by the Upland Police Department as a non-lethal tool to disperse rioting suspects and on barricaded suspects per Upland Police Department Policy and applicable law. The Upland Police Department uses chemical agents which are used by law enforcement across the United States: CS (2 Chlorobenzylidenemalononitrile) and OC (Oleoresin Capsicum). CS is an irritating agent and lachrymator (irritates the eyes and

causes tears to flow). CS has been medically tested in the UK and US, specifically by the U.S. Army. There are no known allergic reactions to CS. OC was de-regulated in California in 1996, is endorsed by the FBI, and is available to civilians to legally possess (2.5 oz. or less). OC is an inflammatory agent which causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes). Descriptions of each agent/munition are taken directly from the manufacture.

1. 1017 -Pocket Tactical SAF-Smoke – Pyrotechnic grenade emitting non-irritant SAF Smoke through multiple emission ports for 20 to 30 seconds to cover small areas. May be launched or hand-thrown Cost: \$27.75 per munition.
2. 1062 - SAF-Smoke Black – Pyrotechnic grenade emitting non-irritant SAF Smoke through multiple emission ports for 30 to 40 seconds to cover large areas. May be launched or hand-thrown Cost: \$50.70 per munition.
3. 2042 - Flameless Expulsion CS Grenade - The CS Flameless Expulsion Grenade is a compact, non-pyrotechnic, chemical agent device that provides safe expulsion without risk of fire. It is safe to use inside of a residence. Unlike pyrotechnical grenades, this device's contents are expelled upon actuation of a CO2 cartridge that will affect a confined area of approximately 1500 square feet. This grenade is 7.5 in. by 1.65 in. and delivers approximately .16 oz. of active agent during its 3-second discharge time. Cost: \$49.00 per munition.
4. 1082 - Riot Control Continuous Discharge Grenade - The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of active agent. Cost: \$29.30 per munition
5. 1072 - Spede-Heat Continuous Discharge Chemical Grenade - The Spede-Heat CS Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent. Cost: \$33.05 per munition.
6. 5230B – Baffled Riot CS Smoke. Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. Cost \$49.75 per munition.

- b. Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less-lethal weapon systems may include, but are not limited to:
 - 1. Self-destructive, dangerous and/or combative individuals.
 - 2. Riot/crowd control and civil unrest incidents.
 - 3. Circumstances where a tactical advantage can be obtained.
 - 4. Potentially vicious animals.

Training exercises or approved demonstrations.

- c. Authorized Use: Only officers who have received POST certification or manufacturer-specific training in the use of chemical agents are authorized to use chemical agents.
- d. Expected Lifespan:
 - 1. 1017 – 5 years
 - 2. 1062 – 5 years
 - 3. 2042 – 5 years
 - 4. 1082 – 5 years
 - 5. 1072 – 5 years
 - 6. 5230B – 5 years
- e. Fiscal Impact: There is no current fiscal impact. The cost for replacement is the cost of the individual round/munition used.

3. Flash Bang (Category 12)

a. Quantity, Description, Capabilities, and Purchase Cost:

The noise/flash diversionary device (NFDD) has become an essential tool for law enforcement tactical teams. Manufacturers of NFDD's have developed training devices to realistically simulate the operational characteristics of standard NFDD's. Although the energy released from the training model is insufficient to use the irritant powder modules, other accessories may be used for the same purposes that they might be used operationally. Examples include trip wiring, perimeter protection, remote initiation, and attaching lanyards for retrieval. The fuze is the most important part of a pyrotechnic munition. Combined Tactical Systems (CTS) Inc. has taken the standard military M201A1 fuze and improved it to provide increased consistency, reliability, and safety. The article describes the CTS Flash-Bang Training System as a superb, cost-effective training tool. The Model 7290T Training Flash-Bang is a low-cost training device that realistically simulates all the functional characteristics of a standard NFDD without any of the liabilities associated with using a full-power device.

- 1. 7290MT – Mini Bang Training Body. Training system makes for excellent training scenarios. The system is built and weighs exactly the same as the Model 7290M Flash-Bang but has no flash charge. The 7290MT body is

painted with a bright blue coating and can be used an unlimited number of times. The M201FB fuse for this system has 10 times the output of a normal M201 fuse and it is threaded with a left-hand thread so it cannot be accidentally used in any other munitions. The Model 7290MT produce an audible output of about 120db. The base contains a standard 3/8-16 UNC thread at its center allowing attachment of numerous accessories, including: Clamp, Stake, Eye Bolt or Magnet. Cost: \$54.75

2. 7290M – Mini Flash Bang. The CTS 7290M Mini Flash-Bang is the newest generation in the evolution of the Flash-Bang. Our Model 7290M Flash-Bang exhibits all of the same attributes of its larger counterpart but in a smaller and lighter package. Weighing in at just 15 ounces the new 7290M is approximately 30% lighter than the 7290 but still has the same 175db output of the 7290 and produces 6-8 million candela of light. The patented design of the 7290M, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output. Cost: \$49.50.

- b. Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less-lethal weapon systems may include, but are not limited to:
 5. Self-destructive, dangerous and/or combative individuals.
 6. Riot/crowd control and civil unrest incidents.
 7. Circumstances where a tactical advantage can be obtained.
 8. Potentially vicious animals.

Training exercises or approved demonstrations.

- c. Authorized Use: Only officers who have received POST certification or manufacturer-specific training in the use of chemical agents are authorized to use chemical agents.
- d. Expected Lifespan: There is no current fiscal impact. The cost for replacement is the cost of the individual round/munition used.

4. Pepper Ball Launcher (Category 12)

- a. Quantity, Description, Capabilities, and Purchase Cost:

Twelve (12) Launchers that a part of a system that uses high-pressure air to deliver PAVA powder projectiles (similar to a paintball delivery system). System capable of launching projectiles at a subject up to 60'. System capable of area saturation up to 160'. Non-lethal option to offer law enforcement officers to deliver chemical agents and kinetic energy impacts to subjects in a potentially violent encounter. De-Escalation tool used to avoid further injuries or lethal options on a subject; Cost:

Unknown for Six (6) items as they were purchased @ 15 years ago. Six (6) launchers were recently purchased as Cost \$664.99

1. Pepper Ball LIVE PROJECTILE, the basic Pepper Ball projectile contains 2.5 grams of PAVA pepper powder, and is designed for direct impact and area saturation, especially in confined, interior spaces. Discharged from a Pepper Ball Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60 feet and an area of saturation of 150+feet. The projectile contains 0.5% PAVA Powder; Cost: \$249.99 for pack of 90.
2. Pepper Ball Glass Breaker Projectiles, a solid projectile used to shatter windows only. Discharged from a Pepper Ball Launcher, the projectile has a velocity of 280-350 FPS; Cost: \$25 for pack of 10.

b. Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less-lethal weapon systems may include but, are not limited to:

1. Self-destructive, dangerous and/or combative individuals.
2. Riot/crowd control and civil unrest incidents.
3. Circumstances where a tactical advantage can be obtained.
4. Potentially vicious animals.
5. Training exercises or approved demonstrations.

c. Authorized Use: Only those officers who have been trained in the use of Pepper Ball launchers are authorized to use the Pepper Ball launchers.

d. Expected Lifespan:

1. Pepper Ball Launcher – No expiration
2. Live Projectile – 3 years
3. Glass Breaker Projectiles – No expiration

e. Fiscal Impact:

There is no current fiscal impact. The cost for replacement is the cost of the individual weapon system/munition used.

5. Projectile Launch platforms and associated munitions (Category 14)

a. Quantity, Description, Capabilities, and Purchase Cost: Three (3) Defense Technology 40mm Single Launcher: Cost: \$985.70. The Defense Technology 40mm Single Launcher is not a firearm, but a Less-Lethal launching system that uses smokeless powder to deliver 40MM projectiles from a safe distance. The Less-Lethal launcher can launch 40MM munitions at a subject up to 40 yards. The Less-Lethal launcher is a single launcher, which allows the Officer to assess after every spent munition. Less-Lethal launcher does not have an expiration and will need to be serviced or replaced when the launcher fails or breaks. The below listed product descriptions are taken directly from the manufacture.

1. 6320 - The 40mm Direct Impact Crushable Foam Round is the perfect munitions for incapacitating a single subject or for controlling a crowd. The plastic body with a crushable orange foam nose containing a powder payload makes for a lightweight, high-speed projectile. This munition is a point-of-aim, point-of-impact direct fire round that has passed extensive human effects assessments for blunt impact and penetration, most commonly used by tactical teams where greater accuracy and deliverable energy is needed for incapacitation of a non-compliant subject at longer distances. When it is loaded with agent, it combines blunt trauma with the effects of an irritant, which maximizes the potential for incapacitation. Cost: \$30.50 per munition.
2. 6322 - The 40mm Direct Impact munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with CS powder, the Direct Impact combines blunt trauma with the effects of an irritant powder, maximizing the potential for incapacitation. Cost: \$30.30 per munition.
3. 6299 - The 40 mm Multiple Foam Baton Round is most widely used as a crowd management tool where stand-off distances are limited. It may also prove valuable in riot situations where police lines and protestors are in close proximity. The round contains three foam projectiles. It utilizes smokeless powder and has more consistent velocities and tighter patterns compared to its 37 mm counterpart. The foam projectile allows for closer deployment, while minimizing injury. Cost: \$25.60 per munition.
4. 2262 - 40mm CS Liquid Ferret (Barricade Penetrating Projectile "Black Tip"). The Ferret 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects. Cost: \$28.15 per munition.
5. 6297 - Stinger 37/40 mm 60-Caliber Rubber Balls Round. The Stinger 37/40 mm 60-Caliber Round is most widely used as a crowd management tool. The Stinger contains approximately eighteen 60-Caliber rubber balls. Designed for departments utilizing both 37/40 mm launchers, allows sharing of ordinance between the two weapon systems. It utilizes smokeless powder as the propellant and has consistent velocities and tighter patterns compared to its 37 mm counterpart. Suitable for close to medium ranges of fire. Cost: \$25.60 per munition.

b. Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less-lethal weapon systems may include, but are not limited to:

1. Self-destructive, dangerous and/or combative individuals.
2. Riot/crowd control and civil unrest incidents.
3. Circumstances where a tactical advantage can be obtained.
4. Potentially vicious animals.

Training exercises or approved demonstrations.

Authorized Use: Only officers who have received POST certification or manufacturer-specific training in the use of chemical agents are authorized to use chemical agents.

c. Expected Lifespan:

1. 6320 – 5 years
2. 6322 – 5 years
3. 6299 – 5 years
4. 2262 – 5 years
5. 6297 – 5 years

d. Fiscal Impact: There is no current fiscal impact. The cost for replacement is the cost of the individual round/munition used.

6. Bean Bag Shotgun (Category 14)

a. Quantity, Description, Capabilities, and Purchase Cost: Fifteen (15) Remington 870 12 Gauge Multi-Shot Beanbag Launcher: Cost: Unknown, purchased over 25 years ago. The Remington 870 12 Gauge Multi-Shot Beanbag Launcher is a converted Remington 870 used as a Less- Lethal launching system. The launching system uses smokeless powder to deliver a 12 gauge 40-gram lead-filled cotton-ballistic fiber blend projectile from a safe distance. The Less-Lethal launcher is capable of launching munitions at a subject up to 75 feet. The Less-Lethal launcher is a pump-action launcher, which allows the officer to assess after every spent munition. Less-Lethal launcher does not have an expiration and will need to be serviced or replaced when the launcher fails or breaks.

1. 3027 – 12 gauge 40-gram lead-filled cotton-ballistic fiber blend stabilized bean bag munition is designed to produce blunt trauma and pain compliance. The bean bag munition is used as a Less-Lethal weapon designed to de-escalate a potentially violent encounter; Cost: \$6.15 per munition.

c. Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

d. Authorized Use: Situations for use of the less-lethal weapon systems may include, but are not limited to:

1. Self-destructive, dangerous and/or combative individual(s).
2. Riot/crowd control and civil unrest incidents.
3. Circumstances where a tactical advantage can be obtained.
4. Potentially vicious animals.
5. Training exercises or approved demonstrations.

e. Expected Lifespan:

1. Bean Bag Launcher – No expiration.
2. Bean Bag Munitions – 5 years

f. Fiscal Impact:

There is no current fiscal impact. The cost for replacement is the cost of the individual weapon system/munition used.